

- 46 -
REGULAR MEETING
CITY COUNCIL
JUNE 5, 2003

ROLL CALL:

MR. WOJCIK, MR. FOY, MR. JUDGE, MR. DORAN, MRS. WELCOME, MRS. COLLIER, MR. LaPOSTA, MR. ARMET, PRESIDENT TUTUNJIAN

PUBLIC FORUM: List of Speakers on file

ORDINANCE NO. 1

INTRODUCED BY: COUNCIL MEMBER WOJCIK

SECONDED BY: COUNCIL MEMBER FOY

**ORDINANCE AMENDING THE TROY ZONING ORDINANCE BY DECLARING A MORATORIUM
ON THE ESTABLISHMENT ENLARGEMENT AND/OR EXTENSION OF SEXUALLY ORIENTED
BUSINESSES**

The City of Troy, in City Council convened, ordains as follows:

Section 1. The Troy Zoning Ordinance shall be amended as follows:

Article 1-General Provisions – of Appendix A – Zoning of the Troy Code of Ordinances shall be amended by adding the following:

Notwithstanding any other provision of this code of ordinances to the contrary, no new adult establishment shall be allowed, nor shall any existing adult establishment be enlarged or extended, nor shall any non-conforming use be changed to an adult establishment, for an interim period of six (6) months from the effective date of this ordinance.

Section 2. This ordinance shall become effective immediately.

Approved as to form, May 12, 2003

Patrick T. Morphy, Corporation Counsel

ORDINANCE NO. 1 PASSED – UNANIMOUS

To Mayor, 6/6/03 for Executive Action – Approved, Returned 6/12/03

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

ORDINANCE NO. 2

INTRODUCED BY: COUNCIL PRESIDENT TUTUNJIAN

SECONDED BY: COUNCIL MEMBER DORAN

**ORDINANCE AMENDING THE 2003 CITY BUDGET TO SUPPORT THE PURCHASE OF RADIO
LICENSING SOFTWARE**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City's 2003 General Fund Budget is hereby amended to provide for the transfer of funds as provided in schedule "A" entitled:

"Budget Transfer – Radio Licensing Software"

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form, May 15, 2003

Patrick T. Morphy, Corporation Counsel

ORDINANCE NO. 2 PASSED – UNANIMOUS

To Mayor, 6/6/03 for Executive Action – Approved, Returned 6/12/03

SCHEDULE "A" ATTACHED TO MINUTES - SEE SUPPORT DOCUMENTATION WITH LEGISLATION

- 47 -
**REGULAR MEETING
CITY COUNCIL
JUNE 5, 2003**

ORDINANCE NO. 3

INTRODUCED BY: COUNCIL PRESIDENT TUTUNJIAN

SECONDED BY: COUNCIL MEMBER ARMET

**ORDINANCE AMENDING THE 2003 CITY BUDGET TO RECOGNIZE INCREASED REVENUES
FROM THE FEDERAL ASSET FORFEITURE ACCOUNT AND APPROPRIATE FUNDS WITHIN THE
POLICE BUREAU'S "OTHER EQUIPMENT/SOS/FEDERAL FORFEITURE" ACCOUNT
(Portable Radio Batteries)**

The City of Troy, convened in City Council, ordains as follows:

Section 1. The 2003 City Budget is hereby amended to increase revenues received from the Federal Asset Forfeiture Account, A3000-2620-0032, and appropriate funds within the Police Bureau's Account entitled "Public Safety Other Equipment" A3120-0203-0032, as provided in Schedule A, which is attached hereto and made a part hereof.

Section 2. The Mayor is herein authorized and directed to comply with the provisions of the City's procurement policy in soliciting contracts for goods and services, including professional services, to purchase the products referenced herein. After complying with the provisions of the City's procurement policy, the Mayor is herein authorized and directed to sign any and all contracts necessary to complete the purchase referenced herein, but only if the city's financial obligations under said contracts are consistent with the appropriations herein made.

Section 3. This act shall take effect immediately.

Approved as to form, May 15, 2003

Patrick T. Morphy, Corporation Counsel

ORDINANCE NO. 3 PASSED – UNANIMOUS

To Mayor, 6/6/03 for Executive Action – Approved, Returned 6/12/03

SCHEDULE "A" ATTACHED TO MINUTES - SEE SUPPORT DOCUMENTATION WITH LEGISLATION

ORDINANCE NO. 4

INTRODUCED BY: COUNCIL PRESIDENT TUTUNJIAN

SECONDED BY: COUNCIL MEMBER DORAN

**ORDINANCE TO AMEND THE CAPITAL BUDGET TO APPROPRIATE A PORTION OF THE 2003
DISTRESSED CITIES AID AND TO AMEND THE 2003 CITY BUDGET TO RECOGNIZE RECEIPT
OF DISTRESSED CITIES AID**

The City of Troy, convened in City Council, ordains as follows:

Section 1. The Capital Budget is hereby amended to recognize and appropriate a portion of the 2003 State Distressed Cities Aid as follows:

Streets – Paving

\$800,500

Section 2. The City Comptroller is herein authorized and directed to establish an appropriate account consistent with the legislative directive contained herein.

Section 3. The Mayor is herein authorized and directed to comply with the provisions of the City's procurement policy in soliciting contracts for goods and services, including professional services, to carry out the street paving program referred to herein. After complying with the provisions of the City's procurement policy, the Mayor is herein authorized and directed to sign any and all contracts necessary to complete the program, but only if the city's financial obligations under said contracts are consistent with the appropriations herein made.

Section 4. This act shall take effect immediately.

- 48 -
REGULAR MEETING
CITY COUNCIL
JUNE 5, 2003

Approved as to form, May 23, 2003

Patrick T. Morphy, Corporation Counsel

ORDINANCE NO. 4 PASSED – UNANIMOUS

To Mayor, 6/6/03 for Executive Action – Approved, Returned 6/12/03

SCHEDULE “A” ATTACHED - SEE SUPPORT DOCUMENTATION WITH LEGISLATION

ORDINANCE NO. 5

INTRODUCED BY: COUNCIL PRESIDENT TUTUNJIAN

SECONDED BY: COUNCIL MEMBER FOY

**ORDINANCE TO AMEND THE CAPITAL PLAN TO SUPPORT THE PURCHASE OF A VEHICLE
FOR THE FIRE BUREAU**

The City of Troy, convened in City Council, ordains as follows:

Section 1. The 2002 Capital Fund is hereby amended as provided in Schedule “A” entitled

“Capital Fund Transfers for 2003
Public Safety – Fire Department Vehicle Purchase”

which is attached hereto and made a part hereof.

Section 2. The Mayor is herein authorized and directed to comply with the provisions of the City’s procurement policy in soliciting contracts for goods and services, including professional services, to make the purchase referred to herein. After complying with the provisions of the City’s procurement policy, the Mayor is herein authorized and directed to sign any and all contracts necessary to complete the purchase, but only if the city’s financial obligations under said contracts are consistent with the appropriations herein made.

Section 3. This act shall take effect immediately.

Approved as to form, May 6, 2003

Patrick T. Morphy, Corporation Counsel

ORDINANCE NO. 5 PASSED – UNANIMOUS

To Mayor, 6/6/03 for Executive Action – Approved, Returned 6/12/03

SCHEDULE “A” ATTACHED TO MINUTES - SEE SUPPORT DOCUMENTATION WITH LEGISLATION

ORDINANCE NO. 6

INTRODUCED BY: COUNCIL MEMBER FOY

SECONDED BY: COUNCIL MEMBER JUDGE

**AMENDED ORDINANCE AMENDING THE TROY CODE OF ORDINANCES REGARDING UNSAFE
BUILDINGS**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The Troy Code of Ordinances is herein amended as follows:

Sec. 10-3. Inspections and reports.

The ~~commissioner of public works~~ director of the bureau of code enforcement, the city engineer or the fire chief may initiate and provide for the inspection of any building, structure or facility that, from the cause, may constitute a threat or danger to the health, safety or welfare of the public. Such inspection shall result in the preparation of a written report and findings by the ~~commissioner~~ city engineer or other qualified city official as to the condition of such building, structure or facility and whether such condition constitutes a threat to the public health, safety or welfare.

Sec. 10-4. Notice of unsafe or dangerous buildings, structures or facilities.

Upon a finding that a building, structure or facility constitutes a threat to the public health, safety or welfare, the ~~commissioner~~ director of the bureau of code enforcement, the fire chief or the city engineer shall notify the owner of such premises and all others having an interest therein, either personally or by ~~registered~~ certified mail, addressed to his or her last known address as shown by the records of the assessor of the City of Troy. Such notice shall contain: a statement of

**REGULAR MEETING
CITY COUNCIL
JUNE 5, 2003**

the particulars in which the building, structure or facility is unsafe or dangerous; and order of the ~~commissioner~~ director of the bureau of code enforcement the city engineer or the fire chief requiring same to be repaired or removed and a period of time within which the owner so served shall commence the repair or removal of such building, structure or facility. If such service be by ~~registered~~ certified mail, the commissioner shall post a copy of such notice on the premises. A copy of such notice ~~shall~~ may also be filed in the office of the county clerk of Rensselaer County in the same manner as a notice of pendency pursuant to article sixty-five of the civil practice laws and rules and shall have the same effect as a notice of pendency as therein provided, except as otherwise hereinafter provided in this subsection. A notice so filed shall be effective for a period of one (1) year from the date of filing; provided, however, that it may be vacated upon the order of a Judge of Justice of a court of record or upon the consent of the corporation counsel.

Sec. 10-5. Opportunity for a hearing.

Those upon whom notice is served pursuant to section 10-4 of this article shall be provided an opportunity for a hearing before the commissioner of public works or a designee thereof. Notice of such hearing shall be served simultaneous with notice served pursuant to section 10-4 of this article and shall include information specifying the date, time and place for such hearing and a statement to the recipient that he or she may wish to consult an attorney in connection with the matter.

Sec. 10-6. Removal of buildings, structures and facilities by the city.

Following notice and opportunity to be heard pursuant to section 10-4 and 10-5 of this article, respectively, and upon failure or refusal of an owner to repair or remove a building, structure or facility within the time prescribed, the commissioner of public works may provide for the removal of such building, structure or facility. All costs and expenses incurred by the city in connection with the proceedings to repair or remove such building, structure or facility, including the cost of actually removing same disposing of the debris and any necessary legal expenses incidental to obtaining an order to demolish shall be assessed by the city against the land on which such building, structure or facility is located and /or the corporation counsel shall, insofar as is practical, bring a special proceeding on behalf of the city to collect same. Any and all money so collected shall, insofar as is permitted by law, be immediately re-appropriated to support the City building demolition program.

Section 2. This ordinance shall be effective immediately.

Approved as to form, June 5, 2003

Patrick T. Morphy, Corporation Counsel

ORDINANCE NO. 6 PASSED – UNANIMOUS

To Mayor, 6/6/03 for Executive Action – Approved, Returned 6/12/03

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

ORDINANCE NO. 7

INTRODUCED BY: COUNCIL MEMBER FOY

SECONDED BY: COUNCIL MEMBER WELCOME

**ORDINANCE AUTHORIZING RECEIPT AND ALLOCATION OF STATE FUNDS ASSOCIATED
WITH THE SOUTH TROY WORKING WATERFRONT IMPLEMENTATION STRATEGY**

The City of Troy, convened in City Council, ordains as follows:

Section 1. A capital fund account is herein created to accept funds from the New York State Department of State Division of Coastal Resources to continue to implement the recommendations made in the South Troy Working Waterfront Study as set forth in Schedule A entitled

“South Troy Waterfront Plan”

which is attached hereto and made a part hereof.

Section 2. The Mayor is herein authorized and directed, with Council approval, to comply with the provisions of the City’s procurement policy in soliciting contracts for goods and services, including professional services, to carry out the project referenced herein. After complying with the provisions of the City’s procurement policy, the Mayor is herein authorized and directed, with Council approval, to sign any and all contracts necessary to complete the project referenced herein, but only if the city’s financial obligations under said contracts are consistent with the appropriations herein made.

- 50 -
REGULAR MEETING
CITY COUNCIL
JUNE 5, 2003

Section 3. This act shall take effect immediately.

Approved as to form, May 30, 2003

Patrick T. Morphy, Corporation Counsel

ORDINANCE NO. 7 PASSED – UNANIMOUS

To Mayor, 6/6/03 for Executive Action – Approved, Returned 6/12/03

SCHEDULE “A” ATTACHED TO MINUTES - SEE SUPPORT DOCUMENTATION WITH LEGISLATION

ORDINANCE NO. 8

INTRODUCED BY: COUNCIL MEMBER COLLIER

SECONDED BY: COUNCIL MEMBER FOY

**ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A LEASE WITH A.T.&T WIRELESS
SERVICES FOR SPACE ON AND IN THE VICINITY OF THE PEDERSON CT. WATER TOWER FOR
PLACEMENT OF THEIR TELECOMMUNICATIONS EQUIPMENT**

The City of Troy, convened in City Council, ordains as follows:

Section 1. Pursuant to Section 5.51 of the Troy City Charter the City Council herein determines that the space atop the city's Pederson Ct. water tower is no longer needed for city purposes.

Section 2. The Mayor, on behalf of the City of Troy, is hereby authorized to execute an lease agreement with A.T.&T. Wireless Services PCS, LLP, substantially in the form of the attached, leasing to said company the space atop the Pederson Ct. water tower for an initial annual rent of \$18,000 over the ten year initial term with the company having an opportunity to renew said lease for up to two additional terms of five years each at a 20% increase in rent at the beginning of each renewed five-year term.

Section 3. This Act shall take effect immediately.

Approved as to form, May 14, 2003

Patrick T. Morphy, Corporation Counsel

ORDINANCE NO. 5 PASSED – UNANIMOUS

To Mayor, 6/6/03 for Executive Action – Approved, Returned 6/12/03

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

ORDINANCE NO. 9

INTRODUCED BY: COUNCIL MEMBER WOJCIK

SECONDED BY: COUNCIL MEMBER LAPOSTA

**ORDINANCE AUTHORIZING SETTLEMENT OF CLAIM AGAINST CITY OF TROY – DANIEL
BRENNAN**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City Council of the City of Troy, New York hereby approves the following claim against the City of Troy in the amount indicated:

“DANIEL BRENNAN AND ORANGE MOTORS CO., INC.
IN THE AMOUNT OF ONE THOUSAND NINE HUNDRED FIFTY
AND 60/100 DOLLARS (\$1,950.60)”

Section 2. The above compromise is approved and ratified in accordance with Local Law No. 1 for the year 1964.

Section 3. The Comptroller be and hereby is authorized and directed to make, issue and countersign a draft as outlined above, said sum to be payable out of the Judgments and Claims Account.

Approved as to form, May 30, 2003

Patrick T. Morphy, Corporation Counsel

ORDINANCE NO. 9 PASSED – UNANIMOUS

To Mayor, 6/6/03 for Executive Action – Approved, Returned 6/12/03

SCHEDULE “A” ATTACHED TO MINUTES - SEE SUPPORT DOCUMENTATION WITH LEGISLATION

- 51 -
REGULAR MEETING
CITY COUNCIL
JUNE 5, 2003

ORDINANCE NO. 11

INTRODUCED BY: COUNCIL MEMBERS TUTUNJIAN/ARMET

SECONDED BY: COUNCIL MEMBER WELCOME

**ORDINANCE AMENDING THE 2003 CITY BUDGET TO SUPPORT THE PURCHASE OF
FURNITURE FOR THE POLICE LOCKUP**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City's 2003 General Fund Budget is hereby amended to provide for the transfer of funds as provided in Schedule "A" entitled:

"Budget Transfer- Furniture – Police Lockup"

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form, May 22, 2003

Patrick T. Morphy, Corporation Counsel

ORDINANCE NO. 11 PASSED – UNANIMOUS

To Mayor, 6/6/03 for Executive Action – Approved, Returned 6/12/03

SCHEDULE "A" ATTACHED TO MINUTES - SEE SUPPORT DOCUMENTATION WITH LEGISLATION

ORDINANCE NO. 12

INTRODUCED BY: COUNCIL PRESIDENT TUTUNJIAN

SECONDED BY: COUNCIL MEMBER FOY

**ORDINANCE AUTHORIZING SETTLEMENT OF CLAIM AGAINST CITY OF TROY – JOSEPH
SESTITO**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City Council of the City of Troy, New York hereby approves the following claim against the City of Troy in the amount indicated:

"JOSEPH SESTITO IN THE AMOUNT OF
ONE THOUSAND EIGHT HUNDRED SEVENTY – TWO
AND 50/100 DOLLARS (\$1,872.50)"

Section 2. The above compromise is approved and ratified in accordance with Local Law No. 1 for the year 1964.

Section 3. The Comptroller be and hereby is authorized and directed to make, issue and countersign a draft as outlined above, said sum to be payable out of the Judgments and Claims Account.

Approved as to form, June 5, 2003

Patrick T. Morphy, Corporation Counsel

ORDINANCE NO. 12 PASSED – UNANIMOUS

To Mayor, 6/6/03 for Executive Action – Approved, Returned 6/12/03

SCHEDULE "A" ATTACHED TO MINUTES - SEE SUPPORT DOCUMENTATION WITH LEGISLATION

RESOLUTION NO. 1

INTRODUCED BY: COUNCIL MEMBER FOY

SECONDED BY: COUNCIL MEMBER LAPOSTA

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE TROY
DOWNTOWN COLLABORATIVE TO UNDERTAKE A PARKING STUDY AND BUILDING
ASSESSMENT FOR FUTURE RELOCATION OF STATE OFFICES**

Whereas, the City of Troy is in need of consultant serves to update the City's downtown parking plan, identify possible locations for additional parking facilities and to assess available buildings for future relocation of State offices in the City of Troy;

Whereas, pursuant to the City of Troy Procurement policy, these services constitute professional services; and

- 52 -
REGULAR MEETING
CITY COUNCIL
JUNE 5, 2003

Whereas, it appears that the Troy Downtown Collaborative has the technical skill, training and expertise to provide the services; now therefore,

BE IT RESOLVED, that the Mayor, on behalf of the City of Troy, is herein authorized to retain the services of the Troy Downtown Business Collaborative to update the City's downtown parking plan, identify possible locations for additional parking facilities and to assess available buildings for future relocation of State in the City of Troy; and it is further

RESOLVED, that the Mayor is herein authorized to execute a contract for said services, in an amount not to exceed \$100,000.

Approved as to form, May 30, 2003
Patrick T. Morphy, Corporation Counsel

RESOLUTION NO. 1 PASSED – UNANIMOUS

To Mayor, 6/6/03 for Executive Action – Approved, Returned 6/12/03

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

RESOLUTION NO. 2

INTRODUCED BY: COUNCIL PRESIDENT TUTUNJIAN

SECONDED BY: COUNCIL MEMBER FOY

**RESOLUTION OF CITY COUNCIL OF THE CITY OF TROY AUTHORIZING THE EXECUTION OF
A PAYMENT-IN-LIEU-OF-TAX (PILOT) AGREEMENT BY AND AMONG THE CITY OF TROY,
KENNEDY TOWERS HOUSING DEVELOPMENT FUND COMPANY, INC. AND KENNEDY SENIOR
HOUSING ASSOCIATES, L.P.**

WHEREAS, the City of Troy (the "City") desires to encourage a sufficient supply of adequate, safe and sanitary dwelling accommodations properly planned for senior citizens with low incomes; and

WHEREAS, Kennedy Towers Housing Development Fund Company, Inc., a New York not-for-profit corporation (the "HDFC") and Kennedy Senior Housing Associates, L.P., a New York limited partnership (the "Partnership"), have identified property located and situated at 2100 Sixth Avenue, in the City of Troy, County of Rensselaer, State of New York, commonly known as the John F. Kennedy housing project (the "Property") for the purpose of the reconstruction and rehabilitation of the Property for senior citizens of low income; and

WHEREAS, the HDFC has been formed for the purpose of providing residential rental accommodations for senior citizens of low-income; and

WHEREAS, the HDFC is the fee owner of the Property and the Partnership shall be the beneficial owner of the Property; and

WHEREAS, the HDFC's and the Partnership's plan for the use of the Property constitutes a "housing project" as that term is defined in the Private Housing Finance Law of the State of New York ("PHFL"); and

WHEREAS, the HDFC is a "housing development fund company" as the term is defined in Section 572 of the PHFL; and

WHEREAS, the HDFC is the sole general partner of the Partnership;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Troy, that the Mayor of the City be and is hereby authorized and empowered to execute and enter into a PILOT Agreement for the Property with the HDFC and the Partnership in a form as approved by the City Attorney, together with such other and further forms, documents and agreements necessary to amend, re-new, supplement or effectuate the same; and

FURTHER RESOVLED, that, in accordance with Section 577(1)(a) of the PHFL, the Property shall be exempt from payment of local municipal taxes, including school taxes, to the extent and as described in the PILOT Agreement.

**REGULAR MEETING
CITY COUNCIL
JUNE 5, 2003**

**AGREEMENT FOR PAYMENT IN LIEU OF TAXES (PILOT) BY AND AMONG THE CITY OF TROY,
KENNEDY TOWERS HOUSING DEVELOPMENT FUND COMPANY, INC. AND KENNEDY SENIOR
HOUSING ASSOCIATES, L.P.**

THIS AGREEMENT FOR PAYMENT IN LIEU OF TAXES (the “PILOT Agreement” or “Agreement”), dated May ___, 2003, by and among the **CITY OF TROY, NEW YORK**, a (municipal corporation) organized and existing under the laws of the State of New York, having its principal office located at 1 Monument Square, Troy, New York 12180 (the “City”), **KENNEDY TOWERS HOUSING DEVELOPMENT FUND COMPANY, INC.**, an Article XI New York private housing finance law corporation and a New York not-for-profit corporation, having its principal office located at One Eddy’s Lane, Troy, New York 12180 (the “HDFC”) and **KENNEDY SENIOR HOUSING ASSOCIATES, L.P.**, a New York limited partnership, having its principal office located at 40 Beaver Street, 5th Floor, Albany, New York 12207 (the “Partnership”).

WHEREAS, the HDFC is a corporation established pursuant to section 402 of the Not-For-Profit Corporation Law and Article XI of the Private Housing Finance Law (“PHFL”); and

WHEREAS, the HDFC is the sole general partner of the Partnership; and

WHEREAS, the HDFC and the Partnership have identified property located and situated at 2100 Sixth Avenue, in the City of Troy, County of Rensselaer, State of New York commonly known as the John F. Kennedy housing project (the “Property”) for the purpose of the reconstruction and rehabilitation of the Property for seniors citizens of low income; and

WHEREAS, the HDFC and the Partnership have each been formed for the purpose of providing residential rental accommodations for persons and families of low-income; and

WHEREAS, the HDFC is the fee owner of the Property and the Partnership shall be the beneficial owner of the Property; and

WHEREAS, the HDFC’s and the Partnership’s plan for the use of the Property constitutes a “housing project” as that term is defined in the PHFL; and

WHEREAS, the HDFC is a “housing development fund company” as the term is defined in Section 572 of the PHFL; and

WHEREAS, the City Council of the City of Troy, New York, by resolution adopted May ___, 2003, approved and authorized the execution of this Agreement,

NOW, THEREFORE, it is agreed as follows:

1. Pursuant to section 577 of the PHFL, the City hereby exempts from municipal taxes and school taxes one hundred percent (100%) of the value of the property located at 2100 Sixth Avenue, in the City of Troy, County of Rensselaer, State of New York.
2. This tax exemption will operate for a period of thirty (30) years from the HDFC’s acquisition of said Property. This Agreement shall not limit or restrict the HDFC’s or Partnership’s right to apply for or obtain any other tax exemption to which it might be entitled upon the expiration of this Agreement.
3. So long as the exemption hereunder continues, the Partnership will pay to the City, in Lieu of taxes, for distribution among the Troy School District, the County of Rensselaer and the City as follows:

The greater of 8.85% of gross shelter rents or

 - a. Amount: Seventy-eight thousand one hundred dollar (\$78,100).
 - b. Payable: June 30 of each year, in an amount calculated pursuant to subparagraph (a) above for the prior calendar year, commencing on June 30, 2004, directly to the Treasurer of the City for disbursement among all taxing jurisdictions.
 - c. Disclosure: The HDFC shall provide to the City, along with each payment, an annual statement of income and expenses verified by a director of the HDFC or such other person as may be authorized by the HDFC to verify said statement.

**REGULAR MEETING
CITY COUNCIL
JUNE 5, 2003**

4. This Agreement specifically excludes any assessment for local improvement and any special assessment that may be levied against the properties that are the subject of this Agreement. The Partnership agrees to pay any such assessments for local improvement and special assessments in addition to the payments described in paragraph "3" above.
5. The failure to make the required payment will be treated as failure to make payment of taxes and will be governed by the same provisions of law as apply to the failure to make payment of taxes.
6. The tax exemption provided by this Agreement will continue for the term described above provided that (a) the Property continues to be used as housing facilities for senior citizens of low income, and (b) the HDLC and Partnership operate the Property in conformance with Article XI of the PHFL.
7. All notices and other communications hereunder shall be in writing and shall be sufficiently given when delivered to the applicable address stated above (or such other address as the party to whom notice is given shall have specified to the party giving notice) by registered or certified mail, return receipt requested or by such other means as shall provide the sender with documentary evidence of such delivery.
8. This Agreement shall inure to the benefit of and shall be binding upon the City, the Partnership and the HDLC and their respective successors and assigns, including the successors in interest of the Partnership and the HDLC.
9. If any provision of this Agreement or its application is held invalid or unenforceable to any extent, the remainder of this Agreement and the application of that provision to other persons or circumstances shall be enforced to the greatest extent permitted by law.
10. This Agreement may be executed in any number of counterparts with the same effect as if all the signing parties had signed the same document. All counterparts shall be construed together and shall constitute the same instrument.
11. This Agreement constitutes the entire agreement of the parties relating to payments in lieu of taxes with respect to the above-described property and supercedes all prior contracts, or agreements, whether oral or written, with respect thereto.

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RESOLUTION NO. 2 PASSED – UNANIMOUS

To Mayor, 6/6/03 for Executive Action – Approved, Returned 6/12/03

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

RESOLUTION NO. 3

INTRODUCED BY: COUNCIL PRESIDENT TUTUNJIAN

SECONDED BY: COUNCIL MEMBER LAPOSTA

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY OF TROY TO FILE AN APPLICATION
WITH THE US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR FUNDS TO
IDENTIFY AND CONTROL LEAD BASED PAINT HAZARDS**

BE IT RESOLVED, that the Mayor, on behalf of the City of Troy, is hereby authorized and directed to file an application for funds from the United States Department of Housing and Urban Development to undertake programs for the identification and control of lead-based paint hazards in eligible privately-owned rental and owner-occupied housing units with Rensselaer County, TAP, TRIP, CEO, Troy Housing Authority, RPI, Russell Sage, Hudson Valley Community College and other organizations.

Approved as to form, May 12, 2003

Patrick T. Morphy, Corporation Counsel

RESOLUTION NO. 3 PASSED – UNANIMOUS

To Mayor, 6/6/03 for Executive Action – Approved, Returned 6/12/03

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

- 55 -
REGULAR MEETING
CITY COUNCIL
JUNE 5, 2003

RESOLUTION NO. 4

INTRODUCED BY: COUNCIL PRESIDENT TUTUNJIAN

SECONDED BY: COUNCIL MEMBER LAPOSTA

RESOLUTION APPOINTING COMMISSIONERS OF DEEDS

BE IT RESOLVED, that the City Council hereby appoints the following persons Commissioners of Deeds for the City of Troy for a two year term commencing June 6, 2003 through June 5, 2005:

David R. DeWard	201 River St., Apt. 64
Albert J. Catone	2768 Sixth Ave.
Harold R. Ryan	Taylor Apts., Bldg. 2/Apt. 8G
William J. Pascarell	3 Hill St.
John J. Boyle	251 Fourth Street
Nina Powell	10 Manor Blvd.
Stephanie N. Stone	2234 Fifth Ave.
Mary Agnes Sweeney	16 Warren Ave.
Maya K. Stone	2234 Fifth Ave.
Stephanie Byrne	6 Georgian Court
Davia N. Daddy	179 Ninth St.
Marcelline Haskell	131 Euclid Ave.
Rick Turoski	34 Maxwell Dr.
Laura Bauer	20 Hawthorne St.
Janet Roberts	895 Best Rd.
Harry Tutunjian	31 – 24 th Street
Michael Harrington	82 Pawling Ave.
Robert J. Brignola	34 Maple Ave.
Viola M. Brignola	912 Third Ave.
John Hayner	696 First Ave.
Martin G. Mahar	201 Rivert St., Apt. 31
Guido Gabriel	16 O'Neil St.
Salvatore Carello	400 Brunswick Dr.
John Waters	865 Sixth Ave.
Anthony Magnetto	4 Sheldon Ave.
Michael E. Parrow, Sr.	301 Speigletown Rd.
Gary Gordon	49 Norfolk St.
David Joslin	35-a 122 nd St.
Robert Fitzgerald	26 Cooper Ave.
Maria Talarico	2 Highpointe Dr.
John D. Ryan, Jr.	55 State St.
Mary K. Nye	38 Belle Ave.
Dorothy Daniels	147 Delaware Ave.
Prudence Pechenik	30 – 24 th St.
Kathleen Matthews-Linen	198 Sixth Ave.
Kim McPherson	355 Sixth Ave.
Deborah Roman	31 South River St.
Beth Muller	Congress & Second Sts.
Louise McGrath	111 Spring Ave.
Deborah Gagliardi	117 Country Garden Apts.
John Hunziker	836 Sixth Ave.
Kevin McGrath	50 – 109 th St.

Approved as to Form, June 6, 2003

Patrick T. Morphy, Corporation Counsel

RESOLUTION NO. 1 PASSED – UNANIMOUS

To Mayor, 6/6/03 for Executive Action – Approved, Returned 6/12/03

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

- 56 -
REGULAR MEETING
CITY COUNCIL
JUNE 5, 2003

RESOLUTION NO. 5

INTRODUCED BY: COUNCIL MEMBERS FOY & COLLIER

SECONDED BY: COUNCIL MEMBER ARMET

RESOLUTION OPPOSING DEWATERING SITES ALONG THE TROY WATERFRONT

WHEREAS, the Environmental Protection Agency has released a list of 24 potential sites for dewatering facilities and,

WHEREAS, two of these sites include the Troy Waterfront, and

WHEREAS, the dewatering sites will be drop off points for polluted sediments, which will have the water squeezed out before being transferred to barges or rail, and

WHEREAS, the sites in question are prime areas for economic and other waterfront development, and

WHEREAS, the Troy Mayor has stated his opposition to the location of these sites in Troy, and

WHEREAS, these facilities would not fit into the city's ongoing South Troy Working Waterfront Plan

NOW THEREFORE LET IT BE RESOLVED, the City Clerk is hereby directed to transmit a copy of this resolution to the New York Environmental Protection Agency.

Approved as to form,

Patrick T. Morphy, Corporation Counsel

RESOLUTION NO. 5 PASSED – UNANIMOUS

To Mayor 6/6/03 for Executive Action – Approved, Returned 6/12/03

SEE SUPPORT DOCUMENTATION WITH LEGISLATION